

ASSEMBLY BILL

No. 1211

Introduced by Assembly Member Price

February 23, 2007

An act to amend the Section 2025.510 of the Civil Code, relating to depositions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1211, as introduced, Price. Depositions: costs.

Existing law provides a comprehensive procedure for the noticing, conduct, and transcription or recording of oral depositions inside the state. Existing law requires the party noticing the deposition to bear the cost of the transcription, unless the court, on motion and for good cause, orders that the cost be borne or shared by another party.

This bill would provide that the costs of all services or products provided by the deposition officer or entity providing the deposition services ordered or requested by a party's attorney, a deponent's attorney, or a party representing himself or herself, shall be the responsibility of that attorney or party, except if otherwise provided by law or pursuant to an agreement, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2025.510 of the Code of Civil Procedure
2 is amended to read:

1 2025.510. (a) Unless the parties agree otherwise, the testimony
2 at any deposition recorded by stenographic means shall be
3 transcribed.

4 ~~(b) The party noticing the deposition shall bear the cost of that~~
5 ~~transcription, unless the court, on motion and for good cause~~
6 ~~shown, orders that the cost be borne or shared by another party.~~
7 *The costs of all services or products provided by the deposition*
8 *officer or entity providing the services of the deposition officer*
9 *that are ordered or requested, either orally or in writing, by a*
10 *party's attorney, a deponent's attorney, or by a party appearing*
11 *pro per, shall be the responsibility of the attorney or party in pro*
12 *per, except if the payment is otherwise provided by law, or pursuant*
13 *to an agreement between a deposition officer and a party's*
14 *attorney, deponent's attorney, or by a party appearing in pro per*
15 *in writing at the time the product or service is ordered or*
16 *requested.*

17 (c) Notwithstanding subdivision (b) of Section 2025.320, any
18 other party or the deponent, at the expense of that party or
19 deponent, may obtain a copy of the transcript.

20 (d) If the deposition officer receives a request from a party for
21 an original or a copy of the deposition transcript, or any portion
22 thereof, and the full or partial transcript will be available to that
23 party prior to the time the original or copy would be available to
24 any other party, the deposition officer shall immediately notify all
25 other parties attending the deposition of the request, and shall,
26 upon request by any party other than the party making the original
27 request, make that copy of the full or partial deposition transcript
28 available to all parties at the same time.

29 (e) Stenographic notes of depositions shall be retained by the
30 reporter for a period of not less than eight years from the date of
31 the deposition, where no transcript is produced, and not less than
32 one year from the date on which the transcript is produced. Those
33 notes may be either on paper or electronic media, as long as it
34 allows for satisfactory production of a transcript at any time during
35 the periods specified.

36 (f) At the request of any other party to the action, including a
37 party who did not attend the taking of the deposition testimony,
38 any party who records or causes the recording of that testimony
39 by means of audio or video technology shall promptly do both of
40 the following:

- 1 (1) Permit that other party to hear the audio recording or to view
2 the video recording.
- 3 (2) Furnish a copy of the audio or video recording to that other
4 party on receipt of payment of the reasonable cost of making that
5 copy of the recording.
- 6 (g) If the testimony at the deposition is recorded both
7 stenographically, and by audio or video technology, the
8 stenographic transcript is the official record of that testimony for
9 the purpose of the trial and any subsequent hearing or appeal.

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